

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN J. SAWAYA,

Plaintiff,

v.

File no: 1:20-CV-220

HON. ROBERT J. JONKER

ADDIE BRISKE, *et al.*,

Defendants.

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**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on September 8, 2020 (ECF No. 19). The Report and Recommendation, which recommends dismissal of Plaintiff's claims against Defendant Crompton based on failure to exhaust, was duly served on the parties. No objections have been filed under 28 U.S.C. § 636(b)(1)(C).¹

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 19) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant Crompton's Motion for Summary Judgment (EC No. 16) is **GRANTED**, and Plaintiff's claims against Defendant Crompton are **dismissed without prejudice**. Defendant Crompton is **terminated** from the case.

Dated: October 9, 2020

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE

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Approximately one week after the Report and Recommendation issued, Plaintiff filed a proposed Sur-Reply (ECF No. 20) to Defendant Crompton's Motion for Summary Judgment. The Proposed Sur-Reply neither mentions nor purports to object to the Report and Recommendation. Even if construed as an objection, the objection would fail on the merits, because it simply reiterates and expands Plaintiff's earlier arguments and at no point addresses the failure to exhaust based on which the Magistrate Judge recommends dismissal.